

## CONFERENCE COMMITTEE REPORT DIGEST

## House Bill No. 76 by Representative Willmott

Digest of Bill as Finally Passed by the House

Present law provides that the penalty for home improvement fraud is not more than \$10,000 or imprisonment, with or without hard labor, for not more than five years, or both, for a second or subsequent offense, or when the person with whom the contract for home improvement is entered into is a disabled person or a person 60 years of age or older.

Proposed law provides that whoever commits the crime of home improvement fraud shall be fined not more than \$1,000 or imprisoned for not more than six months, or both when the amount of the contract for the home improvement or the amount to repair damage is valued at less than \$300, or deception is used and it is a first time offense.

Proposed law further provides that whoever commits the crime of home improvement fraud shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than \$2,000, or both when the amount of the contract for the home improvement or the amount to repair damage is valued at more than \$300 but less than \$500 or when it is a second or subsequent offense involving deception or false promises.

Proposed law further provides that whoever commits the crime of home improvement fraud shall be fined not more than \$10,000 or imprisoned, with or without hard labor, for not more than 10 years, or both when the amount of the contract for the home improvement or the amount to repair damage is valued at more than \$500, or the person with whom the contract for home improvement is entered into is 60 years of age or older or is disabled.

(Amends R.S. 14:202.1(D) and (E); Adds R.S. 14:202.1(F) and (G))

Summary of Amendments Adopted by the Senate

Senate Committee Amendments Proposed by Senate Committee on Judiciary C to the Engrossed Bill.

1. Increases the penalties.
2. Mandates imprisonment and a fine.
3. Provides that restitution shall be ordered at the discretion of the court.
4. Provides penalties for a third or subsequent violation of home improvement fraud under certain circumstances.

Senate Floor Amendments to the Reengrossed Bill.

1. Provides that restitution shall be ordered at the discretion of the court.

Digest of Bill as Proposed by Conference Committee

Present law provides that the penalty for home improvement fraud is not more than \$10,000 or imprisonment, with or without hard labor, for not more than five years, or both, for a second or subsequent offense, or when the person with whom the contract for home improvement is entered into is a disabled person or a person 60 years of age or older.

Proposed law provides that whoever commits the crime of home improvement fraud shall be fined not more than \$1,000 and shall be imprisoned for not more than six months when the amount of the contract for the home improvement or the amount to repair damage is valued at less than \$300, or deception is used and it is a first time offense.

Proposed law further provides that whoever commits the crime of home improvement fraud shall be imprisoned, with or without hard labor, for not more than two years, and shall be fined not more than \$5,000, when the amount of the contract for the home improvement or the amount to repair damage is valued at more than \$300 but less than \$500 or when it is a second offense involving deception or false promises.

Proposed law further provides that whoever commits the crime of home improvement fraud shall be fined not more than \$20,000 and shall be imprisoned, with or without hard labor, for not more than 10 years, when the amount of the contract for the home improvement or the amount to repair damage is valued at more than \$500, or the person with whom the contract for home improvement is entered into is 60 years of age or older or is disabled or when it is a third or subsequent offense involving deception or false promises.

Proposed law provides that restitution shall be ordered by the court.

(Amends R.S. 14:202.1(D) and (E); Adds R.S. 14:202.1(F) and (G))